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REMARKS

Claims 1-19 are pending and rejected in this application. Claim 20 is added hereby.

Responsive to the rejection of claims 1-19 under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,734,853 (Hendricks et al.) in view of U.S. Patent Application Publication No. US2004/0194131 A1 (Ellis et al.), Applicants respectfully traverse the rejection and submit that claims 1-19 are in condition for allowance.

Hendricks et al. disclose a set top terminal for cable television delivery systems (Figs. 1, 2, 9a, 9b, 9c, 20a, 20b and 29f) including a delivery system 200 having a reception region 207 with an in-home decompression capability. A signal is decompressed and the decompressed video signals are converted into analog signals for television display. Terminal 220 overlays or combines different signals to form a desired display on a subscribers television. Graphics on video or picture on picture are examples of such a display (column 7, lines 6-25). Live video signals may be used in windows of menus. Video for menus, promos or demos may be sent to terminal 220 in several formats. A number of short promos or demo video are sent using a split screen technique (column 18, line 53 through column 19, line 5). Program overlay menus 1390 are used during a program. However, program overlay menus 1390 are overlaid onto portions of the television screen and are not hidden. Information may be placed on portions of the television screen. Most overlays cover small portions of the screen, allowing a subscriber to continue to comfortably view the program selection (column 26, lines 30-39). An overlay menu 1392 may be placed upon the screen when there are five minutes of movie until the escape time has expired. Once the time has expired, the subscriber is billed for the movie selection. The strip menu 1242 in lower sash 1244 of Fig. 20b allows the subscriber to resume full screen viewing of a movie

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(column 37, lines 22-40). Manipulation of a video signal includes the ability to scale down the size of the video screen and redirect the video to a portion of a menu screen, which is within a video window of the menu (column 46, lines 38-41). The terminal uses scaling and positioning techniques to produce picture in picture displays. Additional circuitry may be required in terminal 220 to perform adequate scaling and repositioning of a displayed image (column 47, lines 19-23). Terminal 220 receives compressed program and control signals from cable head end 208. After terminal 220 receives the individually compressed program and control signals, the signals are demultiplexed, decompressed, converted to analog signals and either placed in local storage, executed immediately or sent directly to a television screen (column 11, lines 39-49).

Ellis et al. disclose a television system with scheduling of advertisements (Fig. 11a and 11b). Fig. 11a illustrates steps involved in scheduling to present a group of interactive advertisements in an interactive television program guide system, such as interactive television program guide system 50 of Fig. 1. At step 180, interactive advertisements are assigned to a time period. At step 182, a rotation order may be assigned to the interactive advertisements. At step 184, a random starting point in a rotation order may be selected as the starting point for displaying advertisements. A random starting point may be selected for each user television equipment so that an aggregate bias in favor of displaying one advertisement over another is minimized (paragraph 0016). The sequence of the advertisements are arranged and one of the advertisements is randomly selected as the starting point, then each of the advertisements are sequentially displayed. For example, the second one may be selected to start the sequence and the order is maintained, with the sequence returning to the first advertisement after arriving at the last advertisement in the sequence (paragraphs 117 & 118 and Fig. 11b).

In contrast claim 1, as previously amended, recites in part:

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pseudo-randomly changing the advertising message independently of the displayed program information.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Hendricks et al., Ellis et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hendricks et al. disclose a set top terminal for cable television delivery systems having overlays that cover small portions of a screen. The overlays of Hendricks et al. are driven by selections of the terminal operator or a determinative event. Ellis et al. disclose a television system for the scheduling of advertisements, which have an ordered sequence of advertisements that are started at a random starting point in the sequence. The advertisements are then sequentially displayed. In contrast, Applicants' invention displays an advertising message independent of operator input, independent of information from the displayed program and not in a sequential order, since the advertisements are pseudo-randomly changed. Applicants' invention pseudo-randomly changes the advertising message, which is in contrast to the teachings of the cited prior art in which advertisements are displayed in a sequential order and/or as a result of a determinative event. Therefore, Hendricks et al., Ellis et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of pseudo-randomly changing the advertising message independently of the displayed program information, as recited in claim 1.

An advantage of Applicants' invention is that an advertising message is independently driven apart from an operator or program information input. Another advantage of Applicants' invention is that the advertisements are shown in a pseudo-random manner and are not part of a sequence. This advantageously allows advertising information to occur at moments unexpected by the viewer, which often will lead to drawing the viewers attention to the advertisement. For

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the foregoing reasons, Applicants submit that claim 1, and claims 2-12 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast, claim 13, as previously amended, recites in part:

pseudo-randomly introducing the locally stored information into the video signal to occupy the freed-up region.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Hendricks et al., Ellis et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hendricks et al. disclose a set top terminal for cable television delivery systems having overlays that cover small portions of a screen. The overlays of Hendricks et al. are driven by selections of the terminal operator or a determinative event. Ellis et al. disclose a television system for the scheduling of advertisements, which have an ordered sequence of advertisements that are started at a random starting point in the sequence. The advertisements are then sequentially displayed. In contrast, Applicants' invention displays an advertising message independent of operator input, independent of information from the displayed program and not in a sequential order, since the advertisements are pseudo-randomly changed. Applicants' invention pseudo-randomly changes the advertising message, which is in contrast to the teachings of the cited prior art in which advertisements are displayed in a sequential order and/or as a result of a determinative event. Therefore, Hendricks et al., Ellis et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of pseudo-randomly introducing the locally stored information into the video signal to occupy the freed-up region, as recited in claim 13.

An advantage of Applicants' invention is that an advertising message is independently driven apart from an operator or program information input. Another advantage of Applicants'

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invention is that the advertisements are shown in a pseudo-random manner and are not part of a sequence. This advantageously allows advertising information to occur at moments unexpected by the viewer, which often will lead to drawing the viewers attention to the advertisement. For the foregoing reasons, Applicants submit that claim 13, and claims 14 and 15 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In still further contrast, claim 16, as previously amended, recites in part:

pseudo-randomly changing the advertising message independently of the displayed program information.

(Emphasis added). Applicants submit that such an invention is neither taught, disclosed nor suggested by Hendricks et al., Ellis et al. or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hendricks et al. disclose a set top terminal for cable television delivery systems having overlays that cover small portions of a screen. The overlays of Hendricks et al. are driven by selections of the terminal operator or a determinative event. Ellis et al. disclose a television system for the scheduling of advertisements, which have an ordered sequence of advertisements that are started at a random starting point in the sequence. The advertisements are then sequentially displayed. In contrast, Applicants' invention displays an advertising message independent of operator input, independent of information from the displayed program and not in a sequential order, since the advertisements are pseudo-randomly changed. Applicants' invention pseudo-randomly changes the advertising message, which is in contrast to the teachings of the cited prior art in which advertisements are displayed in a sequential order and/or as a result of a determinative event. Therefore, Hendricks et al., Ellis et al. and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of pseudo-randomly changing

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the advertising message independently of the displayed program information, as recited in claim 16.

An advantage of Applicants' invention is that an advertising message is independently driven apart from an operator or program information input. Another advantage of Applicants' invention is that the advertisements are shown in a pseudo-random manner and are not part of a sequence. This advantageously allows advertising information to occur at moments unexpected by the viewer, which often will lead to drawing the viewers attention to the advertisement. For the foregoing reasons, Applicants submit that claim 16, and claims 17-19 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claim 20 has been added to further protect Applicants' valuable intellectual property rights. No new matter has been added by including the limitation of modifying the program information proximate to the display device. This limitation is supported by Fig. 1, and the specification in the paragraph that starts at line 10 of page 4.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

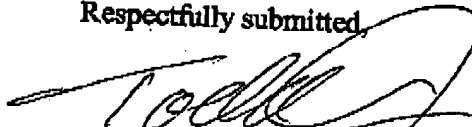
In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

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Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, on: March 14, 2005

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Name of Registered Representative



Signature

March 14, 2005

Date

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